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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JERRI L. BOON,)
Plaintiff,) No. 3:09-CV-1353ST
v.) MOTION FOR RELIEF FROM
UNION PACIFIC RAILROAD) JUDGMENT
COMPANY, a foreign corporation,) Expedited Consideration Requested
Defendant.) Oral Argument Requested

Pursuant to Rule 60(b)(1), FRCP, plaintiff moves for relief from judgment as follows:

Plaintiff moves for relief from judgment in the form of the court's leave to re-plead her Complaint.

Judgment was entered on July 7, 2010 dismissing the above captioned case for lack of subject matter jurisdiction pursuant to the court's order of July 6, 2010. However plaintiff's complaint is meant to allege, in part, violations of her rights under the Americans with Disabilities Act, 42 USC 12111 *et seq.*, Title VII, 42 USC 2000e *et seq.*, and the Age Discrimination in Employment Act, 42 USC 621 *et seq.* The court therefore had

federal question jurisdiction over this claim. There was an additional claim in her Complaint for wrongful discharge under state law over which the court had pendent jurisdiction.

As there were facts alleged in the complaint from which federal question, subject matter jurisdiction could have been inferred, it was not expected that the court would grant defendant's Motion to dismiss without leave to re-plead. See paragraphs 4, 5, 6, 11, 14, and 15 of plaintiff's Amended Complaint.

Therefore the plaintiff moves for relief from judgment in the form of leave to re-plead the Complaint.

Respectfully submitted by:

/s/ Glenn Solomon

Glenn Solomon
Attorney for Plaintiff